

Approved:



HENRY L. ROSS
Assistant United States Attorney

23 Mag. 6143

Before: THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

UNITED STATES OF AMERICA

v.

JEREMY PINALES DIAZ,
Defendant.

COMPLAINT

Violation of 18 U.S.C. §§ 1708 and 2

COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

ERIN CARMODY, being duly sworn, deposes and says that she is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE
(Mail Theft and Receipt of Stolen Mail)

1. On or about August 23, 2023, in the Southern District of New York and elsewhere, JEREMY PINALES DIAZ, the defendant, knowingly stole, took, and abstracted, and by fraud and deception obtained, and attempted so to obtain, from and out of the mail, a post office, and a station thereof, a letter box, a mail receptacle, and a mail route and other authorized depository for mail matter, and from a letter and mail carrier, a letter, postal card, package, bag, and mail, and abstracted and removed from such letter, package, bag, and mail, an article and thing contained therein, and secreted, embezzled, and destroyed such letter, postal card, package, bag, and mail, and an article and thing contained therein, and stole, took, and abstracted, and by fraud and deception obtained a letter, postal card, package, bag, and mail, and an article and thing contained therein which had been left for collection upon and adjacent to a collection box and other authorized depository of mail matter, and bought, received, and concealed, and unlawfully had in his possession, a letter, postal card, package, bag, and mail, and an article and thing contained therein, which had been so stolen, taken, embezzled, and abstracted, knowing the same to have been stolen, taken, embezzled, and abstracted, to wit, PINALES DIAZ stole mail from a United States Postal Service collection box and possessed stolen mail in New York, New York.

(Title 18, United States Code, Sections 1708 and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

2. I am a Postal Inspector with USPIS and have been personally involved in

the investigation of this matter. This affidavit is based upon my conversations with other law enforcement officers and other individuals; my examination of photographs, law enforcement reports, and other law enforcement records; and my involvement in this investigation. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my participation in this investigation, my review of law enforcement reports and records, and my conversations with other law enforcement officers, I have learned, in substance and in part, the following:

a. On or about August 23, 2023, at approximately 3:28 a.m., an individual (“Witness-1”) called in a complaint to the New York City Police Department (“NYPD”) stating, in substance and in part, that Witness-1 was then observing three individuals appearing to remove mail from a United States Postal Service collection box in the vicinity of 159 Madison Avenue in Manhattan. Witness-1 further stated, in substance and in part, that one of the three individuals was carrying an orange food delivery service bag (“Bag-1”).

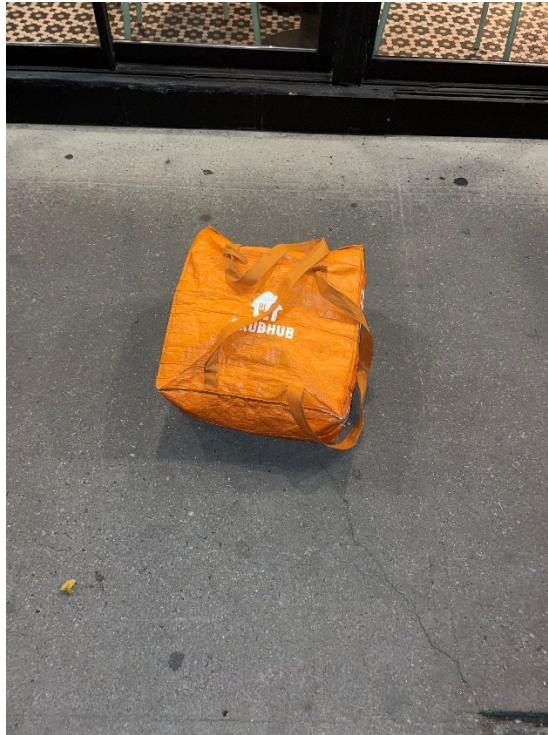
b. Upon receiving the information from Witness-1, law enforcement officers with NYPD and USPIS were dispatched to the area of 159 Madison Avenue. Soon thereafter, law enforcement officers observed three individuals in the vicinity of the intersection of Madison Avenue and East 33rd Street. Law enforcement officers observed one of the three individuals, later identified as JEREMY PINALES DIAZ, the defendant, carrying Bag-1.

c. As law enforcement officers approached, PINALES DIAZ and the other two individuals fled. Law enforcement officers pursued PINALES DIAZ and observed PINALES DIAZ riding a scooter (“Scooter-1”) and carrying Bag-1.

d. During the pursuit, law enforcement officers observed PINALES DIAZ driving Scooter-1 at a high speed, including in the wrong direction on multiple one-way streets, and through multiple red lights, in densely populated commercial and residential areas of Midtown Manhattan and the Upper West Side. PINALES DIAZ fled on Scooter-1 for approximately 2.5 miles before abandoning Scooter-1 in the vicinity of the intersection of Columbus Avenue and West 71st Street and fleeing on foot.

e. At approximately 3:40 a.m., law enforcement officers arrested PINALES DIAZ in the vicinity of 117 West 70th Street.

f. Law enforcement officers recovered Bag-1 outside of 235 Columbus Avenue, which is located approximately 0.1 miles away from 117 West 70th Street. A photograph of Bag-1 is below.



g. Law enforcement officers searched Bag-1 incident to arrest and found, among other things, 103 articles of mail and two torn mail envelopes, including certain articles of mail that had already been opened. Inside the articles of mail that had already been opened, law enforcement officers found 10 checks made out to recipients other than PINALES DIAZ, totaling approximately \$158,809.16. A photograph of the recovered mail is below.



WHEREFORE, I respectfully request that JEREMY PINALES DIAZ, the defendant, be imprisoned or bailed, as the case may be.

ERIN CARMODY
Postal Inspector
U.S. Postal Inspection Service

Sworn to before me on this ____ day of August, 2023.

THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York